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August 23, 2006

via facsimile and standard mail

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**Re: *Brown v. Hamot Medical Center*
*Civil Action No. 05-32E***

Dear Ziad:

In response to your August 22, 2006 correspondence, paragraph 2 of the July 25, 2005 Confidentiality Order provides that disclosure of documents identified as "Confidential" is permitted with the consent of the person or their attorney who provided the document. However, disclosure of the confidential documents is limited to certain classes of people, which does not include the publicly accessible PACER docket. In fact, paragraph 6 of the Order specifically provides that confidential documents should not be filed with the Clerk and, if necessary in connection with a dispositive motion, are to be filed under seal. The confidentiality Order does not support your interpretation that Hamot has the right to remove a confidentiality designation unilaterally when disclosing documents on the public docket as Hamot has.

Because Hamot previously designated the 34 exhibits to Hamot's Motion for Summary Judgment as confidential during the course of discovery, they must be filed under seal. Of particular concern are the documents that identify Dr. Brown's social security number.

Accordingly, we are again requesting that the documents Hamot designated as confidential, and included as exhibits to Hamot's First Motion for Summary Judgment, be filed under seal in accordance with the terms of the Court's July 25, 2005 Order.

Very truly yours,

COPY

Patrick Sorek

cc: Lisa Brown, M.D.

EXHIBIT
"E"